Ms. Lynne Talleda November 7, 2007 Page 3 of 3



regulations. In the absence of the rezoning, the non-use variance to allow parking within twenty-five (25) feet of the right-of-way is no longer required.

6. The Applicant requests a modification of condition 2 of Resolution Z-42-85,

**FROM** 

That in the approval of the plan, the same be substantially in accordance with those submitted for the hearing entitled "Parker Sod Retail", as prepared by Koger Architectural Group, and dated last revised 2-25-85, and the landscape plans entitled "Parker Sod Retail", dated revised 2/26/85.

TO

That in the approval of the plan, the same be substantially in accordance with those submitted for the hearing entitled "Galloway Medical Pavilion", as prepared by Bellon Milanes Architects and Planners, and dated last revised 11-6-07, and consisting of six (6) pages.

Should you have any questions regarding this amended letter of intent or the revised plan, please do not hesitate to contact me at 305-377-6235.

Ben Fernandez

## Attachment

cc: Ms. Maria Teresa Fojo, Acting Assistant Director for Zoning Mr. Ronald Connally, Supervisor, Zoning Hearing Section Mr. Hamid Bolooki
Matthew Amster, Esq.



DIRECT LINE: (305) 377-6236 E-Mail: MAmster@BRZoningLaw.com

## VIA HAND DELIVERY

November 7, 2007

Ms. Lynne Talleda Supervisor, Zoning Hearing Section Miami-Dade County Stephen P. Clark Center 111 NW 1st Street, 11th Floor Miami, FL 33128 RECEIVED NOV-7 2007

ZONING HEARINGS SECTION MIAMI-DADE PLANNING AND ZONING DEPT.

Need changes Need Landscape Need alexation

RE: Amended Letter of Intent and Revised Plans for PH#07-069, Merrineck Estates, Located at 7600 & 7650 SW 87th Avenue, Miami-Dade County.

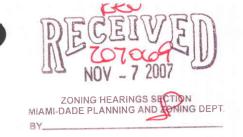
Dear Ms. Talleda:

This law firm represents Merrineck Estates, LLC, and Medico International Realty Holdings, LLC, collectively the Applicant, in relation to the above-referenced application that is scheduled to be considered by the Board of County Commissioners (BCC) on Thursday, November 8, 2007. This letter shall serve as the Applicant's amended letter of intent in relation to the application.

As a result of several meetings with neighbors from the area, the Applicant intends to request deferral with leave to amend the application from the BCC. The Applicant seeks either the original request of the zoning to RU-5 with the corresponding non-use variance for parking within twenty-five (25) feet of the right-of-way and the deletion of the Declaration of Restrictions as pertains to the subject property OR in the alternative the following items in lieu of the request to rezone the property (see attached revised plan):

1. The Applicant requests a modification to the previously approved non-use variance for height in order to permit the proposed building with a height to the roofline of twenty-nine (29) feet. Previously, the BCC granted a non-use variance to waive the building height of twenty-four (24) feet and to allow a building

Ms. Lynne Talleda November 7, 2007 Page 2 of 3



height of twenty-five (25) feet, nine sixteenths (9/16) of an inch. See Resolution No. Z-175-80.

- 2. The Applicant requests the deletion of the Declaration of Restrictions recorded in Official Records Book 12486, Pages 842-847 as it applies to the property that is the subject of the application, specifically Parcels A and B as stated in the Declaration of Restrictions. The recorded covenant is no longer relevant to the subject property as the Parker Sod Nursery has been entirely demolished and the Applicant is proposing an entirely new use that is consistent with the existing RU-5A zoning district. Pursuant to Section 33-311(a)(17)(ii) a modification or elimination of the Declaration of Restrictions is appropriate as the conditions of the Declaration of Restrictions are moot in relation to the subject property.
- 3. The Applicant requests a non-use variance in order to allow an access drive onto the property from SW 87<sup>th</sup> Avenue to be set back zero (0) feet from the interior side (south) property line.
- 4. The Applicant requests a modification to a previously approved non-use variance regarding the wall required as a buffer between dissimilar zoning districts. In Resolution No. Z-42-85, the BCC approved the waiver of the five (5) foot wall and the installation of a six (6) foot chain link fence along the interior side (south) property line. The Applicant intends to replace the fence with a five (5) foot masonry wall that will stop fifty (50) feet short of SW 87th Avenue in order to accommodate an ingress drive onto the property, as described above. A similar non-use variance was previously granted by Resolution Z-175-80. That approval waived the wall requirement and provided for a six (6) foot chain link fence that extended from the rear property line to within eighty (80) feet of the front property line. Accordingly, the Applicant is merely requesting a modification of the previously approved non-use variances in order to accommodate the redevelopment of the property in a manner that will improve access to the site.
- 5. The Applicant hereby withdraws the previous request to permit parking within twenty-five (25) feet of an official right-of-way. This request was required under the RU-5 zoning district



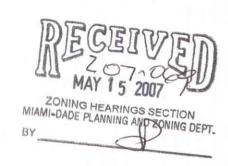


DIRECT LINE: (305) 377-6235 E-Mail: BFernandez@BRZoningLaw.com

## **VIA HAND DELIVERY**

May 15, 2007

Mr. Subrata Basu, Interim Director Department of Planning and Zoning Stephen P. Clark Center 111 NW 1st Street, 11th Floor Miami, FL 33128



RE: Amended Letter of Intent - 7600 & 7650 SW 87th Avenue.

Dear Subrata:

This law firm represents Merrineck Estates, LLC, and Medico International Realty Holdings, LLC, (collectively the "Applicant"), the owners of two properties located at 7600 & 7650 SW 87 Avenue (the "Property"). Please consider this letter the Applicant's amended letter of intent to include a district boundary change from RU-5A to RU-5 and a non-use variance for the parking setback from the right-of-way. The Applicant retains the original request for deletion of a Declaration of Restrictions and modification of the approved site plans in Resolution Z-42-85.

<u>District Boundary Change</u>. The Property is currently zoned RU-5A, Semi-Professional Office District since 1985. The Applicant seeks a district boundary change to RU-5, Residential – Semi-Professional Office District. Although both districts are substantially identical, RU-5 permits a slightly higher height and residential uses.

The Applicant fully intends to construct a medical office building on the Property. RU-5 permits medical offices, which are quite prevalent in the area. On the west side of SW 87th Avenue, the two properties to the north of the Property, as well as the property located south of SW 78th Street contain medical office buildings. On the east side of SW 87th Avenue, the two properties

Mr. Subrata Basu, I im Director May 15, 2007 Page 2 of 3

immediately east and southeast of the Property contain office buildings with some medical office tenants. As such, the proposed medical office building is entirely compatible with the surrounding uses.

The Applicant is requesting the zoning change to accommodate more appropriate floor heights for the medical offices. RU-5 provides a maximum of thirty-five (35) feet. The Applicant has minimally increased the height of the entire building by only two feet three inches (2'3"). The building complies with the height maximum of the requested zoning district. Other buildings in the area have similar heights. For example, the two medical office buildings located north of the Property on the west side of SW 87 Avenue rise at least 30' and 30'10" respectively, inclusive of roof elements. Therefore, the proposed heights will be compatible with the surrounding area.

Regarding residential uses, the Applicant has no plans to construct residential uses on the Property. Should it be necessary, the Applicant will proffer a declaration of restrictions prohibiting residential uses on the Property.

Non-Use Variance Request. Pursuant to Section 33-127 of the Code of Miami-Dade County, RU-5 requires a twenty-five (25) foot setback for all parking areas fronting a right-of-way. The Applicant's proposed use requires a minimum of 123 parking spaces. The Applicant believes that more parking spaces will be needed and, as such, has provided as many parking spaces as the Property will accommodate, including spaces underneath part of the second floor of the facility. It is important to note that even by providing the maximum number of parking spaces, the Applicant satisfies the open landscape area requirement.

The majority of the properties located on the both sides of SW 87 Avenue between the Snapper Creek Expressway and SW 72 Street have parking located within twenty-five (25) feet of the right-of-way. In addition, the medical office building located on the north side of SW 76 Street contains parking at fewer than 25 feet from the right-of-way of that street. Therefore, the Applicant's proposal will be compatible with the existing conditions of the surrounding area.

Processing of Zoning Hearing Application. Based on conversations with your staff, specifically Alberto Torres and Lynn Talleda, we understand that the revision of the zoning hearing request will not affect the timing of the processing of the application. As such, we respectfully restate our request for expeditious review of this application.

Mr. Subrata Basu, I im Director May 15, 2007 Page 3 of 3

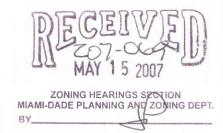
<u>Reservation of Rights</u>. The Applicant also wishes to reiterate that by filing this application, the Applicant does not waive any rights or entitlements that prior actions of representatives of Miami-Dade County may have granted to the Applicant or the Applicant's predecessors in interest.

<u>Conclusion.</u> We look forward to your favorable recommendation. If you have any questions or concerns, please contact me at (305) 377-6235.

Sincerely,

Ben Fernandez

cc: Mr. Hamid Bolooki Matthew Amster, Esq.





DIRECT LINE: (305) 377-6235 E-Mail: BFernandez@BRZoningLaw.com



## **VIA HAND DELIVERY**

April 18, 2007

Mr. Subrata Basu, Interim Director Department of Planning and Zoning Stephen P. Clark Center 111 NW 1<sup>st</sup> Street, 11<sup>th</sup> Floor Miami, FL 33128



RE: <u>Amended Letter of Intent - 7600 & 7650 SW 87<sup>th</sup> Avenue</u>

Dear Subrata:

This law firm represents Merrineck Estates, LLC, and Medico International Realty Holdings, LLC, (collectively the "Applicant"), the owners of two properties located at 7600 & 7650 SW 87 Avenue (the "Property"). Please consider this letter the Applicant's amended letter of intent to include a district boundary change from RU-5A to RU-5 with the original request for deletion of a Declaration of Restrictions and modification of the approved site plans in Resolution Z-42-85.

<u>District Boundary Change.</u> The Property is currently zoned RU-5A, Semi-Professional Office District since 1985. The Applicant seeks a district boundary change to RU-5, Residential – Semi-Professional Office District. Although the both districts are substantially identical, RU-5 permits residential uses, allowing for mixed use development.

At the present time, the Applicant intends to construct a medical office building on the Property. However, the Applicant is requesting the zoning change to accommodate potential mixed use development in the future.

Mr. Subrata Basu, Interim Director April 18, 2007 Page 2 of 2

Compatibility of Request. As stated above, RU-5 permits medical offices, which are quite prevalent in the area. On the west side of SW 87th Avenue, the two properties to the north of the Property, as well as the property located south of SW 78th Street contain medical office buildings. On the east side of SW 87th Avenue, the two properties immediately east and southeast of the Property contain office buildings with some medical office tenants. The RU-5 district is also more compatible with the surrounding area than the RU-5A district, due to the residential component of RU-5A.

<u>Processing of Zoning Hearing Application</u>. Based on conversations with your staff, specifically Alberto Torres and Lynn Talleda, we understand that the revision of the zoning hearing request will not affect the timing of the processing of the application. As such, we respectfully restate our request for expeditious review of this application.

<u>Reservation of Rights</u>. The Applicant also wishes to reiterate that by filing this application, the Applicant does not waive any rights or entitlements that prior actions of representatives of Miami-Dade County may have granted to the Applicant or the Applicant's predecessors in interest.

<u>Conclusion.</u> We look forward to your favorable recommendation. If you have any questions or concerns, please contact me at (305) 377-6235.

Sincerely

Ben Fernandez

cc: Mr. Hamid Bolooki Matthew Amster, Esq.

